

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2012-316-T - ORDER NO. 2012-635

AUGUST 23, 2012

IN RE: Application of Yellow Cab Company of	)	ORDER GRANTING
Charleston for a Class C (Charter) Certificate	)	CLASS C CHARTER
of Public Convenience and Necessity	)	CERTIFICATE AND
	)	GRANTING WAIVER OF
	)	PLACARDING
	)	REQUIREMENTS

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Yellow Cab Company of Charleston (the Applicant or the Company) for a Class C Charter Certificate of Public Convenience and Necessity to render motor passenger service over irregular routes as follows:

BETWEEN POINTS AND PLACES IN SOUTH CAROLINA,

RESTRICTED TO: SEVEN (7) PASSENGERS.

Upon consideration of the Application for a Class C Charter Certificate, the representations contained therein, and the documentary evidence attached thereto, the Commission finds that the Applicant is fit, willing, and able to perform the service to the public under the authority sought. The Commission also finds that the granting of the Certificate is required by public convenience and necessity.

The Applicant also requests a waiver of 26 S.C. Code Ann. Regs. 103-153 (Supp. 2011), which requires marking or identification of motor vehicles (known as

“placarding”) which are used for transportation of property or passengers under the jurisdiction of the Commission.

The Company possesses a fleet of “London Black Cabs.” Among other things, the Company states that its “London Black Cabs” should not be placarded, because they are rare, specialized vehicles, to which there is no comparison in the American market, and that they are used only as limousines in a luxury market. Further, the Company states that it would lose the majority of its wedding, corporate, and luxury market clientele if it was forced to placard its vehicles. We found that the waiver of placarding requirements was appropriate for the prior owner of the “London Black Cabs” acquired by the Applicant. See Docket No. 2009-45-T, Order No. 2009-92. The Office of Regulatory Staff (“ORS”) does not oppose the request. ORS had requested in the prior Docket that the waiver of the regulation in that case be limited to the Company’s “London Black Cabs” only and not to any other vehicles in the Applicant’s fleet or to this type of vehicle generally which may be owned by other companies. ORS stated its belief that specific exemptions from the placarding requirements should be addressed by the Commission on a case by case basis, and not appear to apply industry wide in any way.

26 S.C. Code Ann. Regs. 103-101 (2) (Supp. 2011) states that this Commission may waive a regulation when strict compliance produces unusual difficulty and is not in the public interest. We do believe, as we did in the prior docket involving these vehicles, that placarding of the Company’s “London Black Cabs” will produce unusual difficulty, since the Company would apparently lose much of its luxury clientele as a result. This is also not in the public interest. Accordingly, we grant the requested waiver from the

placarding requirements of 26 S.C. Code Ann. Regs. 103-153. However, the waiver is applicable only to the “London Black Cabs” owned by the Applicant. The waiver is not applicable to any other vehicles in the Company’s fleet, nor to “London Black Cabs” owned by any other company. We do intend to examine requested waivers of the placarding regulation on a case-by-case basis.

IT IS THEREFORE ORDERED:

1. That the Application of Yellow Cab Company of Charleston for a Class C Charter Certificate of Public Convenience and Necessity is hereby approved.
2. That the placarding requirements of 26 S.C. Code Ann. Regs. 103-153 (Supp. 2011) are waived.
3. That the Applicant cause to be filed with the Office of Regulatory Staff (ORS) the proper license fees, proof of liability insurance (i.e. “Form E”), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2011) of the Commission’s Rules and Regulations for Motor Carriers, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 (Supp. 2011) of the Department of Public Safety’s Rules and Regulations for Motor Carriers, within ninety (90) days of the date of this Order, or within such additional time as may be authorized by the Commission.
4. That failure of the Applicant to either (1) complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance and the payment of license fees and such other information required by law within ninety (90) days of the date of this Order or (2) request and obtain from the

Commission additional time to comply with the requirements stated above, may result in the authorization approved in this Order being revoked.

5. That upon compliance with the filing of information as required by S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 26 (Supp. 2011), as amended, a Certificate shall be issued by the ORS to the Applicant authorizing the motor carrier services granted herein.

6. That prior to compliance with the requirements regarding the filing of certain information with the ORS and receipt of a Certificate, the motor carrier services authorized by this Order may not be provided.

7. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
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David A. Wright, Chairman

ATTEST:

  
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Randy Mitchell, Vice Chairman

(SEAL)